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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/711,240	11/13/00	CONNELL	M ALT-5604D CO

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EXAMINER

DRODGE, J

ART UNIT

PAPER NUMBER

1723

16
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Art Unit: 1723

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 24, 2001 has been entered.

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

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3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims ~~30-35~~ ³⁰⁻⁴¹ and ~~37-42~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Lichtenstein patent 4,370,983 in view of Rubalcaba patent 4,898,578 and/or Kerns et al patent 4,756,706.

Lichtenstein discloses a computer controlled medical care system that encompasses extracorporeal blood circulation and treatment systems including means for conducting dialysis treatment of the blood in which numerous parameters are monitored, displayed and controlled through the use of central processing units coupled to interactive monitoring , input, and appropriate or standard interactive and display units (see especially column 28, lines 60-65 and column 32, lines 26-67. Also disclosed with the medical care system are modules for conducting intravenous and drug infusion for patients (see column 31, lines 12-33).

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The independent claims each differ from Lichtenstein in requiring the interactive input/outputs to comprise touch screens. However, each of Kerns et al and Rubalcaba teach such interactive units employed with blood infusion pumping systems, operable to allow touch screen entry of keypads effective to change at least one step of a medical procedure (see especially column 8, lines 35-45 of Rubalcaba and column 1, lines 41-59 of Kerns et al. At the time the present invention was made, it would have been obvious to one of ordinary skill in this art to have modified the system of Lichtenstein by substituting or supplementing the alphanumeric units with such touch screen units, as taught by Rubalcaba and/ or Kerns et al, in order to ease user confusion and error in entering data and prevent extra errors from occurring during crisis situations, as suggested by Rubalcaba and/or prevent confusion in entering data due to detachment and reattachment of components to the central processor, as suggested by Kerns et al.

Regarding dependent claim 35, all three references relied upon teach monitoring and control of a plurality of parameters which change both predictably and unpredictably with time.

Regarding claim 36, see Kerns et al in column 5, lines 56-59.

Regarding claims 38 and 39, Lichtenstein in column 12, lines 15-48 extensively concerns monitoring and control of blood flow in dialysis conduit systems containing blood pumps.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph W. Drodge whose telephone number is (703) 308-0403. The examiner can normally be reached on Monday-Friday from approximately 8:30 AM - 4:45 PM.

The fax phone number for this Group is (703) 872-9310 or (703)-872-9311 for (after final rejections). When filing a FAX in Tech Center 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.


Joseph W. Drodge
Primary Examiner
Art Unit 1723

JWD
October 17, 2001